S.B. CIVIL WRIT PETITION NO.681/2004
(Punni Ram vs. Board of Revenue & Ors.)

Date :: 11.04.2007

HON'BLE MR. JUSTICE GOPAL KRISHAN VYAS

Mr.H.S. Sidhu, for the petitioner.
Mr.S.N. Tiwari, Dy. Govt. Advocate.
Mr.D.D. Chitlangi, for the respondents.

Heard learned counsel for the petitioner.

Initially in this case by an order dated 14th August, 1997 receiver was appointed by the Assistant Collector, Bikaner upon the application filed under Section 212 of the Rajasthan Tenancy Act read with Section 151 CPC. The order dated 14th August, 1997 was subsequently challenged by way of filing two appeals before the Revenue Appellate Authority, Bikaner. The order of appointment of receiver was set aside by the learned Appellate Authority, Bikaner vide order dated 05th May, 1998. The petitioner was not party before the Assistant Collector, Bikaner as well as before the Revenue Appellate Authority, Bikaner. Subsequently because the said land which is in dispute was earlier sold to the petitioner, therefore, a civil suit with regard to specific performance act was pending before the civil court, therefore, the petitioner filed revision petition before Revenue Board, Ajmer challenging the order of Revenue Appellate

Authority, Bikaner whereby the order of appointment of receiver was set aside. It is prayed by learned counsel for the petitioner before the Board of Revenue that there is a suit pending in the civil court with regard to agreement arrived between the petitioner and one Ratna Ram who was original owner of the property. The revision petition filed by the petitioner was rejected by the Revenue Board vide judgment dated 01st August, 2003. In that judgment it was observed by learned Revenue Board that matter is still pending in the civil court with regard to claim of the petitioner that land is belonging to him.

At this juncture, the petitioner has brought to the notice of this Court that the said suit has been decreed in his favour by the civil court on 05th April, 2005 therefore, he may be permitted to withdraw this petition with liberty to approach the civil court for execution of the said judgment and decree passed on 05th April, 2005.

He is permitted to do so. The writ petition is dismissed as withdrawn with liberty to the petitioner to seeks remedy before the civil court.

[GOPAL KRISHAN VYAS],J.

A.K. Chouhan/-